

PACIFIC CONSTRUCTION CO., LTD.

NOVEMBER 4 (legislative day, OCTOBER 25), 1943.—Ordered to be printed

Mr. CAPPER, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 2915]

The Committee on Claims, to whom was referred the bill (H. R. 2915) for the relief of the Pacific Construction Co., Ltd., having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The facts will be found fully set forth in House Report No. 639, Seventy-eighth Congress, first session, which is appended hereto and made a part of this report, and your committee concur in the recommendations of the House.

[H. Rept. No. 639, 78th Cong., 1st sess.]

The Committee on Claims, to whom was referred the bill (H. R. 2915) for the relief of Pacific Construction Co., Ltd., having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

This is what is known as a departmental bill, introduced by the chairman of the Committee on Claims at the request of the Comptroller General of the United States, who recommends its enactment.

The purpose of the proposed legislation is to pay to Pacific Construction Co., Ltd., Honolulu, T. H., for loss sustained by expropriation of lumber and building materials at Haleiwa, Oahu, T. H., by the United States Army on and after December 7, 1941, a sum not exceeding \$2,604.55.

STATEMENT OF FACTS

The Pacific Construction Co., Ltd., on December 7, 1941, had lumber, wood, shingles, kegs of nails, building stone, and wire mesh which it valued at \$6,829.77, stored on the site where a United Service Organization's recreation building was to be constructed by the claimant at Haleiwa, Oahu, T. H. Subsequent to December 7, 1941, claimant received a stop order, effective as of December 7, 1941, suspending construction of the building until further notice. Martial law was declared and the claimant's building material was taken by Army personnel for field fortification, installations, and the construction of bridges. All civilians were prohibited from entering the area where the building material was located and the claimant was restrained from removing any material or tools until sometime after December 22, 1941, when the Army authorities left the building site

unguarded and without notifying the claimant. An attempt was made by the Army to keep records of the material so taken; however, as such records were kept by several persons at different times they are known to be incomplete.

It appears the claimant's uninstalled material on the building site December 7, 1941, had an invoiced value of \$6,829.77 and that the War Department has a record of having taken from the site material at an invoiced value of \$4,225.22, for which payment has been made to the claimant. Further, it appears that additional material was taken from the site by Army personnel of which no record was made, the best evidence of the value thereof being the difference between the invoiced value of the material as of December 7, 1941, and the value of the material for which the Army has record of taking, namely, \$2,604.55. Also, it appears that all uninstalled material was removed by the Army from the building site. The claimant has agreed to accept the sum of \$2,604.55 in full and final settlement of its claim.

As the War Department has no record of taking material, the value of which claim now is made, although, as stated above, it is administratively admitted that material other than that recorded was taken, the claim may not be recognized by the Comptroller General's Office as a valid one for settlement under any existing appropriation. However, since it is administratively admitted that other material was taken by the Army for which no purchase order was issued or payment made, the claim according to the Comptroller General, contains such elements of equity as to be deserving of the consideration of Congress.

Your committee concur in the recommendations of the Comptroller General and, therefore, recommend favorable consideration of the proposed legislation.

Appended hereto is the recommendation of the Comptroller General that the proposed legislation be enacted.

COMPTROLLER GENERAL OF THE UNITED STATES,

Washington, June 4, 1943.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: Pursuant to the act of April 10, 1928 (45 Stat. 413), I have the honor to transmit herewith my report and recommendation to the Congress concerning the claim of Pacific Construction Co., Ltd., against the United States, with the request that you lay the same before the House of Representatives.

A duplicate of this report is being transmitted by me to the President of the Senate.

Respectfully,

LINDSAY C. WARREN,

Comptroller General of the United States.

COMPTROLLER GENERAL OF THE UNITED STATES,

Washington, June 4, 1943.

The Congress:

Pursuant to the act of April 10, 1928 (45 Stat. 413) I have the honor to make the following report and recommendation concerning the claim of Pacific Construction Co., Ltd., Honolulu, T. H., in the amount of \$2,604.55, representing the loss sustained by expropriation of lumber and building material at Haleiwa, Oahu, T. H., by the United States Army, on and after December 7, 1941.

The facts and circumstances relative to the claim, as reported by the War Department, are as follows:

The Pacific Construction Co., Ltd., on December 7, 1941, had lumber, wood, shingles, kegs of nails, building stone, and wire mesh, which it valued at \$6,829.77, stored on the site where a United Service Organizations recreation building was to be constructed by the claimant at Haleiwa, Oahu, T. H. Subsequent to December 7, 1941, claimant received a stop order, effective as of December 7, 1941, suspending construction of the building until further notice. Martial law was declared and the claimant's building material was taken by Army personnel for field fortification, installations, and the construction of bridges. All civilians were prohibited from entering the area where the building material was located and the claimant was restrained from removing any material or tools until sometime after December 22, 1941, when the Army authorities left the building site unguarded and without notifying the claimant. An attempt was made by the Army to keep records of the material so taken; however, as such records were kept by several persons at different times they are known to be incomplete.

It appears the claimant's uninstalled material on the building site December 7, 1941, had an invoiced value of \$6,829.77 and that the War Department has a record of having taken from the site material at an invoiced value of \$4,225.22, for which payment has been made to the claimant. Further, it appears that additional material was taken from the site by Army personnel of which no record was made, the best evidence of the value thereof being the difference between the invoiced value of the material as of December 7, 1941, and the value of the material for which the Army has record of taking; namely, \$2,604.55. Also, it appears that all uninstalled material was removed by the Army from the building site. The claimant has agreed to accept the sum of \$2,604.55 in full and final settlement of its claim.

As the War Department has no record of taking material, the value of which claim now is made, although, as stated above, it is administratively admitted that material other than that recorded was taken, the claim may not be recognized by this office as a valid one for settlement under any existing appropriation. However, since it is administratively admitted that other material was taken by the Army for which no purchase order was issued or payment made, the claim, in my judgment, contains such elements of equity as to be deserving of the consideration of the Congress. Accordingly, said claim is submitted pursuant to the provisions of the act of April 10, 1928, supra, with recommendation that an appropriation in the amount of \$2,604.55 be made for the payment thereof.

If the Congress should agree with my recommendation in this matter, it is suggested that the enactment of a statute in substantially the following form will accomplish that purpose:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he hereby is, authorized and directed to settle and adjust the claim of Pacific Construction Company, Ltd., for loss sustained by expropriation of lumber and building materials at Haleiwa, Oahu, Territory of Hawaii, by the United States Army on and after December 7, 1941, and to allow in full and final settlement of said claim not to exceed \$2,604.55. There is hereby appropriated the sum of \$2,604.55, or so much thereof as may be necessary for the payment of said claim."

LINDSAY C. WARREN,
Comptroller General of the United States.

○

